

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

MARCH 1998 SESSION

**FILED**  
**March 26, 1998**  
**Cecil Crowson, Jr.**  
Appellate Court Clerk

JOSEPH TROY MANUEL, )  
 )  
 APPELLANT, )  
 )  
 )  
 )  
 v. )  
 )  
 )  
 )  
 STATE OF TENNESSEE, )  
 )  
 )  
 APPELLEE. )

No. 02-C-01-9705-CC-00175  
Benton County  
Honorable Julian P. Guinn, Judge  
(Post-Conviction Relief)

FOR THE APPELLANT:

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OPINION FILED: \_\_\_\_\_

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

# OPINION

The appellant, Joseph Troy Manuel (petitioner), appeals as of right from a judgment of the trial court dismissing his action for post-conviction relief. In this court, the defendant contends “the reasonable doubt jury instruction given at the guilt phase of the Defendant’s trial violate[d] the Sixth, Eighth, and Fourteenth Amendments of the United States Constitution and the law of the land, Article I, Section 8, Constitution of the State of Tennessee.” After a thorough review of the record, the briefs submitted by the parties, and the law governing the issue presented for review, it is the opinion of this court that the judgment of the trial court should be affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals.

The appellate courts of this State have upheld the use of a reasonable doubt instruction like the instruction given in this case. State v. Nichols, 877 S.W.2d 722, 734 (Tenn. 1994), cert. denied, 513 U.S. 1114, 115 S.Ct. 909, 130 L.Ed.2d 791 (1995); Pettyjohn v State, 885 S.W.2d 364, 365-66 (Tenn. Crim. App.), per. app. denied (Tenn. 1994); State v. Hallock, 875 S.W.2d 285, 294 (Tenn. Crim. App.), per. app. denied, (Tenn. 1994); see Terry Shannon Kimery v. State, Greene County No. 03-C-01-9512-CC-00412, 1997 WL 31143, slip op. 2-5 (Tenn. Crim. App., Knoxville, January 28, 1997), per. app. denied (Tenn. May 5, 1997).

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JOE B. JONES, PRESIDING JUDGE

CONCUR:

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GARY R. WADE, JUDGE

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JERRY L. SMITH, JUDGE